

Appl. No. 10/668,789
Response to Final Office Action of January 17, 2006
Page 7

REMARKS

I. Claim Rejections – 35 USC § 102

Claims 1-4, 8-12, 16-20, and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Dutcher (US 4,381,013). Applicant respectfully traverses.

Applicant previously pointed out that Dutcher discloses a two-piece stylet having an inner portion (30) which imparts the desired shape to a lead and a second outer portion (40) that is used to transmit torque from the proximal end to the distal end. The stiffening wire 30 has a bend (at point 32 in Fig. 6) to form a J-shape. The distal tip 34 of wire 30 is foreshortened and a separate torque transmission tool 44 is attached at position 42 to the distal end of coil 40.

Applicant argued that the curved intermediate portion of the stylet in Dutcher, where the wire 30 imparts the J-shape, is of a uniform diameter. Accordingly, absent from Dutcher is a curved intermediate segment with a taper zone extending within that curved intermediate segment.

The final office action continues to allege that, as shown in Fig. 6, the diameter of a cross section within the curved segment, which is marked as B or D', is larger than diameter A. Thus, the conclusion is drawn that there is a tapered zone in Dutcher.

First, the stylet 30, as shown in Fig. 2, is foreshortened to form a distal end 34. See col. 3, line 46. The "J" bend is at segment 32. The stylet is inserted into a lumen of coil 40. The distal end of the stylet has a torque tool 44 is inserted within the open end of the coil 40 lumen and attached to the coil 40 at weld 42. Second, what is identified as having the diameter A is not the stylet but rather the torque tool. Further, the indication is that even the torque tool proximal end has a diameter that is the same as the stylet 30. The diameter identified by the office action as B or D' is the diameter for the coil 40.

Thus, the tapering of the segment BA or D'A identified in the office action is of the lead and the stylet taken together. The claim, however, specifies that it is the stylet only that is tapered. The office action mischaracterizes Dutcher and misapplies the claims.

Accordingly, absent from Dutcher is a curved intermediate segment with a taper zone extending within that curved intermediate segment. The rejection of the

Appl. No. 10/668,789
Response to Final Office Action of January 17, 2006
Page 8

independent claims, as well as the claims dependent thereon, is in error and should be withdrawn. Additionally, Dutcher necessarily further fails to render obvious the claimed subject matter.

II. Claim Rejections – 35 USC § 103

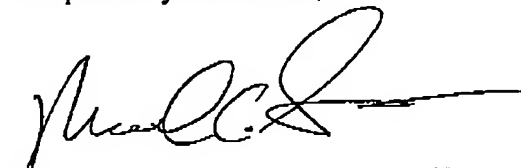
Claims 5-7, 13-15, 21-23 and 28-30 are rejected under 35 U.S.C.103(a) as being unpatentable over Dutcher in view of Hartley (US 20040073141). These are all dependent claims. Dutcher is the primary reference and is relied upon in the manner in which it was applied in rejecting the independent claims for anticipation. Based upon the foregoing remarks with regard to the anticipation rejections, Dutcher cannot provide the base reference with which to combine Hartley to result in a viable obviousness rejection. The combination of Dutcher and Hartley fails to result in a structure having all the features set forth in the independent claims. It follows, of course, that the rejections of the dependent claims, which also rely upon Dutcher, are similarly in error.

III. Conclusion

The reliance upon Dutcher in the stated rejections for the limitation of a stylet inserted within the lumen of a lead and the stylet having a curved intermediate segment with a taper zone extending within that curved intermediate segment is without basis. Accordingly, each of the rejections should be withdrawn. Applicant further submits that the claims are in proper form and condition for allowance, and requests that a notice of allowance be issued in due course.

Respectfully submitted,

March 15, 2006
Date



Michael C. Soldner
Reg. 41,455
Telephone: (763) 514-4842
Customer No. 27581